

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 26, 38, and 41 have been amended. Support for the amendments is provided in the original claims and the specification on page 26, lines 8-22. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection.

Claims 26-43 were rejected, under 35 USC § 102(e), as being anticipated by Texerman et al. (US 2004/0141522). To the extent these rejections may be deemed applicable to the amended claims, the Applicant respectfully traverses based on the points set forth below.

Claim 26 now defines a radio communication method in which a radio communication terminal: (1) acquires, in advance, a received header of data communicated between other radio communication terminals and (2) refers to this received header when processing data received from a radio communication terminal without a header. The claimed subject matter provides an advantage of reducing the transmission of overhead data and improving transmission efficiency (see specification page 6, line 21, through page 7, line 2).

Texerman does not disclose the instant claimed subject matter of a radio communication terminal that acquires a received header of data communicated between other radio communication terminals. Although Texerman discloses a TDMA system, a radio communication terminal of a conventional TDMA system does not receive data communicated

between other radio communication terminals of the system; instead, it only receives data communicated to itself. And because Texerman does not disclose the instant claimed subject matter of a radio communication terminal that acquires a received header of data communicated between other radio communication terminals, it necessarily follows that Texerman cannot disclose the Applicant's claimed subject matter of referring to this received header when processing data received from a radio communication terminal without a header.

Accordingly, the Applicant submits that Texerman does not anticipate the subject matter now defined by claim 26. Independent claims 38 and 41 similarly recite the above-mentioned subject matter distinguishing method claim 26 from Texerman, but with respect to apparatuses. Therefore, allowance of claims 26, 38, and 41 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

James E. Ledbetter
Registration No. 28,732

Date: June 18, 2009
JEL/DWW/att
Attorney Docket No. 008638-04106
Dickinson Wright PLLC
1875 Eye Street, NW, Suite 1200
Washington, DC 20006
Telephone: (202) 659-6966
Facsimile: (202) 659-1559